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APPLICATION NUMBER: 09/386,605 FILING/RECEIPT DATE: 08/31/99 FIRST NAMED APPLICANT: TAYLOR ATTORNEY DOCKET NO./TITLE: 38-21-C-1525

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0232/0917



PATENT & TRADEMARK OFFICE
NOT ASSIGNED

1643
DATE MAILED:

09/17/99

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):

1. This application fails to comply with the requirements of 37 CFR 1.821 - 1.825.

2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).

3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

4. A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing".

5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).

6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).

7. OTHER: _____

APPLICANT MUST PROVIDE

An initial or substitute computer readable form (CRF) copy of the "Sequence Listing."

An initial or substitute paper copy of the "Sequence Listing," as well as an amendment directing its entry into the specification.

A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE CONTACT:

For Rules Interpretation, call (703) 308-1123.
 For CRF submission help, call (703) 308-4212.
 For PatentIn software help, call (703) 308-6856.

C. Miller
Customer Service Center
Initial Patent Examination Division (703) 308-1202

10-91 PTO-166 (REV 3-97)

PART 2 - COPY TO BE RETURNED WITH RESPONSE

TEST AVAILABLE COPY



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Cp 1643 ✓

JAN 03 2000

38-21(15757)A

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

~~HS~~

In re application of)
Taylor, et al.)
Serial No: 09/386,605)
Filed: August 31, 1999)
Title: Novel Transgene Assay Using Stable)
Agrobacterium rhizogenes Transformation)
Examiner: Not Assigned)
Group Art Unit: 1643)

I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, DC, 20231 with sufficient postage as first class mail.

Date: 17 Dec 99

WURM

Thomas P. McBride

Commissioner of Patents and Trademarks
Washington, DC 20231

Response to Notice To Comply

Dear Sir:

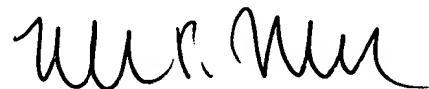
This Response to Notice To Comply is filed in response to the communication from the Examiner dated September 17, 1999 containing a Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures. Applicant respectfully requests reconsideration of this requirement as this application does not contain any nucleotide sequence and/or amino acid sequence disclosures that Applicant believes falls under the requirements of 37 CFR 1.821-1.825. The Notice Form PTO-1661 has been provided to Applicants (copy attached), but no indication as to what the Patent Office believes is required to be provided pursuant to the sequence disclosure rules with respect to this application.

A Petition for a One Month Extension of Time is being submitted simultaneously herewith

in order to render this Response timely filed. The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 or 1.17 as required by this paper to Deposit Account No. 13-4125.

Applicants invite the Examiner to call the undersigned if clarification on any of this response, or if the Examiner believes that a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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December 17, 1999